

Fiscal Note

Fiscal Services Division



SF 2333 – Dependent Adult Abuse and Hospital Inspections (LSB 5594SV.1)

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Fiscal Note Version – As amended and passed by the Senate

Description

Senate File 2333 establishes explicit qualifications for hospital inspectors. With respect to dependent adult abuse reports in programs and facilities, an inspector of the Department of Inspections and Appeals (DIA) may enter a facility without a warrant and may examine all records pertaining to residents, employees, former employees, and the alleged dependent adult abuser. If the inspector knows or learns during the investigation that alleged abuse is suspected, the inspector is required to provide that information to the program or facility. The DIA is required to inform the person suspected of dependent adult abuse of that suspicion and inform the individual about the criminal consequences and their right to have legal council.

Upon the finding of dependent adult abuse, the caretaker may file an appeal request within fifteen days of receiving the notification of abuse. If the request is filed, the caretaker will not be placed on the Dependent Adult Abuse Registry until final agency action is taken. If the appeal is filed within the fifteen day timeframe, the contested case hearing will take place within sixty days. A final decision will be issued forty-five days from the contested case hearing.

The Bill requests an interim study committee to evaluate due process requirements relating to child abuse and dependent adult abuse.

Background

The Abuse Coordinating Unit schedules two hearings per week and contested case hearings are heard on average six months from the date of the appeal. Either party may request a continuance as well. Requiring compressed turn around time will require additional staffing to be able to prepare the cases in an expedited time frame.

Assumptions

- There were 243 founded cases during FY 2009. The fiscal estimate assumes there will be the same number in FY 2011.
- The DIA would need to add 5.0 FTE positions to be in compliance to reduce the timeframe of appeals to forty-five days and final decision in sixty days. The Department would hire 2.0 Attorneys, 1.0 Compliance Officers, and 2.0 Administrative Law Judge.
- Additional costs for attorney travel, supplies, and communications would be required.

Fiscal Impact

The additional cost to the General Fund is estimated to be \$497,000 and 5.0 FTE positions for FY 2011 and \$508,000 for FY 2012.

Source

Department of Inspections and Appeals

/s/ Holly M. Lyons

March 19, 2010

The fiscal note for this Bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
